Per G.S. Singhvi, C.J.

In this petition, the petitioner, Anti-Corruption Force, represented by Sri J.P.Rao has made the following prayer:

a) Stay the operation of the Proceedings No.1441.2005/B2/4057/2006, dated 25-4-2006 and direct the Hon'ble Upa Lok Ayukta to proceed with the preliminary verification or investigation on the complaint preferred in the light of the letter issued by 1st respondent in Lr.No.18040/E1/05-7, dated 13-6-2006.

b) Issue an order or direction more in the nature of writ of mandamus to the respondents to constitute appropriate body for controlling and regulating the collection of fee and quantum of fee by the managements of private Medical Colleges as per the guidelines issued by the Hon'ble Supreme Court of India in **Islamic Academy and another v. State of Karnataka** in (2003) 6 SCC 697 and Government Orders in G.O.Ms.No.488, dated 10-9-2003 and 241, dated 7-8-2004 respectively.

In the affidavit filed by him, Sri J.P. Rao has averred that private colleges have been collecting fee at the rate of Rs.50,00,000/- and Rs.15,00,000/- in advance and utilising the same for their personal gain without depositing the same in a nationalized bank in the name of the students. He has further averred that managements of private medical colleges are selling their quota seats and, in this manner, they have commercialized the professional medical education and converted their colleges

into auction centers. Still further, he has averred that even though respondent Nos.1 and 2 are well aware of the commercialization of un-aided private medical colleges, they have not taken any action. In paragraph 8 of his affidavit, the petitioner has made a reference to G.O.Ms.No.241, Health, Medical and Family Welfare (E1) Department, dated 7-8-2004 issued by the State Government. In paragraph 9, he has referred to the fee structure fixed by the committee for private un-aided professional colleges in the State. In paragraph 12, he has made a mention of the guidelines laid down by the Supreme Court in **Islamic Academy of Education v. State of Karnataka**[1] and pleaded that on account of the non-compliance of the directives issued by the Supreme Court and the guidelines issued by the State Government, the student community is suffering irreparable injury.

On 3-8-2006, the Court, after going through the prayer clause of the writ petition, requested the learned Government Pleader for Irrigation to find out the antecedents of the petitioner.

Today, the learned Government Pleader produced letter No.Rc.ENC/G$/2006, dated 10-8-2006 sent to her by the Engineer-in-Chief (Admn.Wing), Irrigation and CAD Department, Hyderabad. The letter of the Engineer-in-Chief is accompanied by a note on the activities of the petitioner. That note is extracted below:

> "It is to be informed that Sri J.Papa Rao was appointed as U.D. Steno in the Technical Wing in Secretariat on 13-10-1978. Subsequently he was posted to Commissioner, CADA, Hyderabad along with other staff and he continued there up to 31-7-2001. As per orders contained in G.O.Rt.No.324, I&CAD, dated 3-4-1996 and G.O. Rt.No.360, dated 8-5-2000, the

Commissioner, CADA has surrendered the services of Sri J. Papa Rao, Sr. Steno along with post. He was issued posting orders to work in O/o.CE, CDO, Hyderabad on O.D basis with payment of salary in Engineer-in-Chief (Admn.Wing) Hyderabad in this office order dated 20-9-2001. The Sr.Steno was relieved in Commissioner, CADA on 31-7-2001 AN. The Sr.Steno has applied leave from 1-8-2001 to 15-9-2001. The same has been sanctioned in this office Proc. dated 24-9-2001. His extension of leave beyond 15-9-2001 has been refused under FR 67 and was directed to report for duty in CE, CDO, Hyderabad. His explanation has been called for, for his disobedience and not reporting for duty beyond 16-9-2001. When he was asked for his explanation he made certain baseless allegations against the ENC and officers in the name of 'Anti Corruption Force" commenting the administration of ENC which is unbecoming and indiscipline. He has not reported for duty and absent from 16-9-2001 for above 4 ½ years and not yet reported for duty.

2) Further, as per instructions contained in Govt. Memo. dated 3-10-2005, inquiry officer was appointed to conduct the discreet enquiry on the allegation contained in the petition of A.Chenchi Reddy. The Inquiry Officer vide his report dated 21-1-2006, has reported that during his inspection of the place, Hyderabad Legal Services, Sri J.Papa Rao is working for Hyderabad Legal Services & Anti Corruption Force. It has been stated that Sri J.P. Rao and Sri J.Papa Rao are one and the same.

3) Further, it is to be informed that during his incumbency in the Commissioner, CADA, he made allegations against Sri P.S.R.Subrahmanyamm, the then S.E. and now Chief Engineer, Medium and against the Executive Engineer. During the course of the enquiry all the allegations made by Sri J.Papa Rao are proved false as per inquiry report of Director General, ACB vide C.No.87/RE-CR/2/99, dated 8-9-2001. The enquiry disclosed that the petitioner is a petition monger, arrogant and never cordial to his officers. Further he

dictates terms to the officers and if they do not agree with him he used to put petitions against them. The Hon'ble Judge of A.P. Lok Ayukta in complaint No.353/98/B1 filed by him commented "in the opinion of this institution for complaint he has chequered career and who never had smooth sailing in the Dept., such a unscrupulous employee is allowed to continue with his malicious campaign against the officer, the genuine office work will be affected badly and will have multiplying effect. Such petitions put in by unscrupulous staff to brow beat the officers and office to derive advantage should not only be ignored but also should be kept under watch and check by the Govt., otherwise there is no end for such sort of petitions from the petitioner. Hence it is recommended the Govt., to take such action against him as deemed fit.

4) He is a habitual petition/allegation monger to black mail honest officers who judiciously discharge their duties for the reasons they did not support his illegitimate claims and mental agony to them. He is interested in perpetuating and extending the litigation to join as a Govt. employee for the vested interest not known to Govt. Any source of income pursued during the period by any means should be made known to the employer failing which the same attracts under CCA Rules.

Further, according to Rule 3(a) A.P.C.S. (Conduct) Rules, 1964, no Govt. employee shall join or continue to be a member of an association the object of activities of which are prejudicial to the interest of the State. As per the conduct rules joining and forming association is restricted and contrary to the Rules.

Sri J.P. Rao is unauthorisedly absent from 16-9-2001 till date i.e., over 5 years. An enquiry had since been ordered and the Superintending Engineer, Irrigation Circle, Hyderabad have conducted an enquiry under sub-rule 20 of A.P.C.C. Rules and submitted his report dated 23-5-2006.

Despite serving the Charge Memo to the delinquent officer has neither appeared before the Enquiry Officer nor submitted written statement of defence but whereas he has

questioned the authority of the Engineer-in-Chief/Superintending Engineer to conduct the enquiry.

At the juncture, as per G.O.Ms.No.260,GAD (Ser.C) Department, dated 4-9-2003, action is in the process for his dismissal from service."

When we asked Sri J.P. Rao, who has appeared in person, to explain his absence from duty for a period of five years, and the findings recorded by the Director General, Anti-Corruption Bureau, that he has made false allegations against superior officers, he stated that he has resumed duty in the year 2004. He, however, could not give any explanation for his absence for three years except saying that he has formed Anti-Corruption Force.

In our opinion, the petitioner, whose conduct as an employee of the State is highly questionable, does not have locus standi to invoke the jurisdiction of this Court in public interest for taking action against the managements of private un-aided medical colleges, which are said to be collecting fees in violation of the fee structure fixed by the committee constituted by the State Government.

We are further of the view that relief in terms of the prayer made in the petition cannot be granted because the petitioner has neither given the details of the managements of the colleges which are said to be charging exorbitant fee from the students nor he has impleaded any one of them as party respondents, and without hearing them, this Court cannot pass any order adversely affecting them.

For the reasons stated above, the writ petition is dismissed.

G.S. SINGHVI, CJ

11th August, 2006.

G.V. SEETHAPATHY, J

ARS

---

[1] **(2003) 6 SCC 697**